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**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---|
| IN RE HERALD, PRIMEO, AND THEMA FUNDS SECURITIES LITIGATION | Case No. 09 Civ. 0289 (RMB) (HBP)<br>**MOTION TO ADMIT COUNSEL PRO HAC VICE** |

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Court for the Southern District of New York, I, Brian P. Murray, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of FRANCIS A. BOTTINI, JR., JOHNSON BOTTINI, LLP, 501 W. Broadway, Suite 1720, San Diego, CA 92101, telephone: (619) 230-0063, facsimile: (619) 238-0622. FRANCIS A. BOTTINI, JR. is a member in good standing of the Bar of the State of California.

There are no pending disciplinary proceedings against FRANCIS A. BOTTINI, JR. in any State or Federal court.

Dated: October 29, 2009
New York, New York.

MURRAY, FRANK & SAILER LLP

Brian P. Murray
SDNY Bar # BM9954
275 Madison Ave., Suite 801
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Telephone: (212) 682-1818
Facsimile: (212) 682-1892

## DECLARATION OF SERVICE

I am an attorney admitted to practice in this district. I hereby certify, under penalty of perjury, that on this 2nd day of November, 2009, I caused a true and correct copy of the foregoing document to be served on the persons listed below by mail, postage prepaid:

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Thomas J. Kennedy (TK-9989)

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---|
| IN RE HERALD, PRIMEO, AND THEMA FUNDS SECURITIES LITIGATION | Case No. 09 Civ. 0289 (RMB) (HBP)<br>**AFFIDAVIT OF BRIAN P. MURRAY IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE** |

State of New York )
)
County of New York )

Brian P. Murray, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Murray, Frank & Sailer LLP, counsel for Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Lead Plaintiff Neville Davis's motion to admit Francis A. Bottini, Jr. as counsel pro hac vice to represent Plaintiffs in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1991. I am also admitted to the bar of the State of Connecticut, the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeals for the First, Second and Fifth Circuits, and am in good standing with these Courts.

3. I have known Francis A. Bottini, Jr. since 1995.

4. Francis A. Bottini, Jr. is a partner at Johnson Bottini, LLP in San Diego, California.

5. I have found Francis A. Bottini, Jr. to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.

6. I respectfully submit a Certificate of Good Standing regarding Francis A. Bottini, Jr. from the State Bar of California, which is attached hereto as Exhibit A.

7. Accordingly, I am pleased to move the admission of Francis A. Bottini, Jr., pro hac vice.

8. I respectfully submit a proposed order granting the admission of Francis A. Bottini, Jr., pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Francis A. Bottini, Jr., pro hac vice, to represent Plaintiffs in the above captioned matter, be granted.

October 29, 2009
New York, New York

**Brian P. Murray**
**SDNY Bar #: BM9954**

Notarized:

THOMAS J. KENNEDY
Notary Public, State of New York
No. 02KE6178560
Qualified in New York County
Commission Expires Dec. 3, 2011

THE STATE BAR
OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

# CERTIFICATE OF STANDING

October 21, 2009

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, FRANCIS ALEXANDER BOTTINI, #175783 was admitted to the practice of law in this state by the Supreme Court of California on January 19, 1995; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Sima La Fontaine
Custodian of Membership Records

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

| | |
|---|---|
| IN RE HERALD, PRIMEO, AND THEMA FUNDS SECURITIES LITIGATION | Case No. 09 Civ. 0289 (RMB) (HBP)<br>**ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION** |

Upon the motion of Brian P. Murray, attorney for Plaintiffs and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Francis A. Bottini, Jr.
JOHNSON BOTTINI, LLP
501 W. Broadway, Suite 1720
San Diego, CA 92101
Telephone: (619) 230-0063/ Facsimile: (619) 238-0622
Email address: frankb@johnsonbottini.com

is admitted to practice pro hac vice as counsel for Plaintiffs in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of the Court.

November ___, 2009

______________________________
**U.S.D.J.**

## DECLARATION OF SERVICE

I am an attorney admitted to practice in this district. I hereby certify, under penalty of perjury, that on this 2nd day of November, 2009, I caused a true and correct copy of the foregoing document to be served on the persons listed below by mail, postage prepaid:

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